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Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms

Report of the Secretary-General

Addendum*

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* This information was received after the submission of the main report.

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II. Replies received from Member States

Bahamas (on behalf of the Caribbean Community)

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[19 November 2007]

1. States members of the Caribbean Community (CARICOM) voted in support, and some were among the sponsors, of resolution 61/89, adopted by the General Assembly on 6 December 2006. While the region does not manufacture, export or re-export weapons, or import them on a large scale, our unique geographical positioning means that we experience the insecurity, fear, loss of life and development disruption that flow from the easy availability of illegal firearms and their use. In addition, the problem is exacerbated by the clear link between drug trafficking and transnational organized crime. For these reasons, we believe that, while national responsibility is important in efforts to address the illicit trade, the fact that in the Caribbean the problem is largely externally imposed means that action at the international level and enhanced international cooperation and assistance are crucial. Those States that manufacture arms and engage in their large-scale trade are morally and ethically obliged to assume greater responsibility for the consequences of this trade and to play a much larger role than they currently do. CARICOM States therefore welcome the Assembly's decision to start examining the feasibility, scope and parameters of a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms.

Feasibility

2. Article 11 of the Charter of the United Nations authorizes the General Assembly "to consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments". Attempts by the Assembly to control arms are not new. The principle of such control is sustained in a number of decisions of the General Assembly, such as the Programme of Action on small arms and light weapons. The evidence in terms of lives lost and social and economic devastation as a result of the unregulated supply of conventional weapons is overwhelming and cries out for international regulation and control.

Scope

Categories of weapons

3. The proposed treaty needs to be very clear about the kinds of weapons that are the object of its concern. It should therefore proceed on the basis of an already internationally accepted listing of what constitutes conventional weapons, such as the United Nations Register of Conventional Arms. But care should be taken to make provision for the products of new technologies in the area of weapons and weapons systems. The listing agreed upon should be included as an annex to the treaty.

Activities

4. It should seek to establish binding obligations with regard to the following:

(a) Import and export: the transfer of weapons must be totally transparent with regard to their origin and intended use. There should be an obligation on sellers to require that prospective buyers provide formal notification, at the time of purchase, that the weapons in question will not be transferred illicitly or used in any way that is inconsistent with national and international law or goes beyond legitimate and necessary national security requirements. The treaty should contain provisions for the regular, periodic exchange of information between sellers and buyers, to be shared with the United Nations through defined and accepted reporting obligations, such as the United Nations Register of Conventional Arms, about the status and the integrity of purchases. Among other things, this would help ensure that the arms in question do not find their way onto the black market. While fully respecting the sovereignty of the potential purchasing State, and without interfering in its internal affairs, States should withhold authorization for proposed sales in cases where the arms involved are likely to have a negative effect on the arms balance of the region in question, or where there is a reasonable risk that the arms might be used in a manner inconsistent with the interests of peace, security and stability or in violation of the Charter of the United Nations;

(b) Brokering: there should be a clear and unambiguous prohibition of the illicit brokering of small arms and light weapons and their ammunition;

(c) Transit and trans-shipments: a legally binding regime of controls should be put in place governing the safety and integrity of weapons shipments in transit or during trans-shipment;

(d) Disposal: procedures should be established for disposing of existing weapons when the intention is to upgrade an arsenal;

(e) Storage: potential buyers should be required to certify that they will store weapons in maximally secure conditions, with adequate measures in place to protect against their theft or loss, and with stringent penalties to be imposed on persons convicted of compromising their security;

(f) Inventory: potential buyers should also ensure that, following all weapons purchases or acquisitions by other legitimate means, there should be put in place an effective and verifiable system of detailed inventory lists of such weapons, which should be properly maintained and updated as the need arises;

(g) Capacity-building: there should be provisions for international cooperation aimed at assisting purchasing countries from the developing world in strengthening their national capacities to establish secure storage arrangements and to effectively monitor and control the movement of arms into their countries;

(h) Regional cooperation: regional cooperation should be promoted through exchanges of information and best practices on ways to curtail and halt the indiscriminate use of, and the illicit trade in, small arms and light weapons in all aspects. Such cooperation should, however, be contingent and predicated on mutual respect and the sovereignty of the countries concerned, and respect for their legitimate national security requirements;

(i) International cooperation: CARICOM States expect that at the heart of the effort to regulate the trade in small arms will be a regime of cooperation, extending beyond the bilateral and regional levels to include multilateral efforts to deal with all stages and aspects of the movement of arms.

Participants

5. The proposed treaty should prohibit from participation in the trade in conventional arms non-State actors that may be acquiring them for purposes that are hostile to the interests of peace, security and stability.

Parameters

6. CARICOM States envisage an arms trade treaty that establishes a comprehensive, legally binding, enforceable regime for governing the trade in conventional arms, with common international standards for monitoring, regulating and enforcement where the sale and transfer of arms is concerned.

7. That instrument should be constructed on the basis of a shared set of internationally agreed principles and objectives, including the fundamental principles and purposes laid down in the Charter of the United Nations and other relevant globally and regionally binding legal instruments designed to regulate the trade in arms.

8. It should respect arms embargoes imposed by the United Nations Security Council in the exercise of its powers under Chapter VII of the Charter.

9. Beyond identifying loopholes in the current international trade in arms that make the black market as thriving as it is and facilitate the abuses perpetrated through the use of weapons, the treaty should demonstrate that there is international determination to take deliberate action to plug those loopholes and put that market out of business. This action would involve strengthening national as well as international controls where they exist, and putting them in place where they do not.

10. The treaty should establish clear penalties for cases in which weapons are used contrary to their purpose as stated at the time of purchase or in which they have been diverted from their intended destination.

11. It should count on the participation of all States. No State should feel discriminated against or excluded. No State's rights should be abridged, especially not the right to self-defence according to Article 51 of the Charter, or the right to import, export, transfer and manufacture arms or to acquire arms for legitimate national security needs.

General considerations

12. The proposed treaty should be drafted in language that is clear and unambiguous so as to avoid any misunderstanding in its interpretation or application.

13. Its uniqueness and focus should be made very clear so as to maximize the chances of the widest possible support.

14. The proposed treaty should establish a regime for the import and export of arms that is guided by more than mere commercial considerations.

United Republic of Tanzania

[Original: English]
[16 July 2006]

1. In response to the Secretary-General's request for views "Towards an arms trade treaty", the United Republic of Tanzania joins other States, including the United Kingdom of Great Britain and Northern Ireland and Kenya, in calling for a comprehensive and legally binding international arms trade treaty. The United Republic of Tanzania urges that the treaty include, inter alia, a specific clause on small arms and light weapons, which have become "weapons of mass destruction" in Africa. The support of the United Republic of Tanzania for the treaty is based on the fact that it is already implementing similar provisions which are contained in the Southern African Development Community (SADC) and Nairobi protocol and agreements on small arms and light weapons.

2. The United Republic of Tanzania believes that the treaty will help in controlling the manufacture and supply of firearms and their illicit circulation. Furthermore, for the States members of SADC and the States of the Great Lakes region and the Horn of Africa, which are now implementing legally binding protocols, the treaty will serve to enforce the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition.

3. The National Action Plan on Small Arms and Light Weapons of the United Republic of Tanzania, the implementation of which started in August 2001, is based on provisions of the United Nations Protocol and Programme of Action and other regional and subregional declarations and protocols. The United Republic of Tanzania is now at an advanced stage in the implementation of the small arms and light weapons programmes.

4. The United Republic of Tanzania calls not only for a legally binding arms trade treaty but also for its effective implementation, leading to the full control and prevention of the illicit proliferation of small arms and light weapons, especially in the African continent.